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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00248 DAE
)	
Plaintiff,)	ORDER DENYING DEFENDANT'S
)	MOTION TO ALLOW HIS COUNSEL,
vs.)	EMMETT LEE LOY, ESQ., TO
)	WITHDRAW
SAMUEL M. KAAUWAI, III,)	
)	
Defendant.)	
_____)	

ORDER DENYING DEFENDANT'S MOTION TO ALLOW HIS
COUNSEL, EMMETT LEE LOY, ESQ., TO WITHDRAW

The defendant's motion to allow his counsel, Emmett Lee Loy, Esq., to withdraw was heard by the Court on January 26, 2007. Marshall Silverberg, Assistant United States Attorney, appeared on behalf of the United States; Emmett Lee Loy, Esq., appeared on behalf of defendant Kaauwai.

Upon consideration of the defendant's motion and the government's opposition thereto, and after hearing arguments from

both counsel, the Court orally denied the motion. This Order memorializes the Court's oral decision.

The defendant's motion presumes that Judge Ezra will grant his motion to withdraw his guilty plea and proceed to trial. If that occurs, then one of the government's witnesses at trial likely will be Tita Blankenfield. The issue raised by the defendant's motion is whether Mr. Lee Loy could zealously represent him at trial because Mr. Lee Loy briefly knows Ms. Blankenfield and his sister is a friend and classmate of Ms. Blankenfield.

During the argument on the motion, Mr. Lee Loy admitted to the Court that he believes he could effectively represent the defendant at trial and that he would be willing and able to effectively cross-examine Ms. Blankenfield at trial. As such, there is no actual or potential conflict of interest. Accordingly, the Court denied the motion to allow Mr. Lee Loy to withdraw.

SO ORDERED.



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: January 30, 2007

United States vs. Samuel M. Kaauwai, III

Cr. No. 03-00248 DAE; "ORDER DENYING DEFENDANT'S MOTION TO ALLOW HIS COUNSEL, EMMETT LEE LOY, ESQ., TO WITHDRAW"